

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA 9:11

VENUE: SAN JOSE

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CR 08

0479

UNITED STATES OF AMERICA,

V.

JW HRL

LUIS ENRIQUE DEMETRIO MENDOZA,

DEFENDANT(S).

INDICTMENT

42 USC § 408(a)(7)

A true bill.

Angelika Mendez
Foreman

Filed in open court this 22 day of

July, 2008

Maria Elena James
Brenda Tolbert
Clerk
MARIA-ELENA JAMES

Bail, \$ no Bivros

19
JW

JOSEPH RUSSONIELLO (CSBN 44332)
United States Attorney

FILED

08 JUL 23 AM 9:11

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ENRIQUE DEMETRIO MENDOZA
a/k/a DEMETRIO MENDOZA, a/k/a
LUIS E. MENDOZA,

Defendant.

CR 08

0479

INDICTMENT

VIOLATIONS: 42 U.S.C. § 408 (a)(7) -
Misuse of Social Security Number (Three
Counts)

SAN JOSE VENUE

JW HRL

INDICTMENT

The Grand Jury charges:

COUNT ONE: (42 U.S.C. § 408(a)(7)(B) - Misuse of Social Security Number)

In or about August 2006 to the present, within the Northern District of California and
elsewhere, the defendant

LUIS ENRIQUE DEMETRIO MENDOZA
a/k/a Demetrio Mendoza
a/k/a Luis E. Mendoza

for the purpose of obtaining something of value or for any other purpose, with the intent to
deceive, falsely represented to GEMB/JC Penney, that social security number 042-62-xxxx was
the social security number assigned by the Commissioner of Social Security to him, when in fact

1 such number was not the social security number assigned by the Commissioner of Social
2 Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B).

3 COUNT TWO: (42 U.S.C. § 408(a)(7)(B) - Misuse of Social Security Number)

4 In or about July 2006 to the present, within the Northern District of California and elsewhere,
5 the defendant

6 LUIS ENRIQUE DEMETRIO MENDOZA
7 a/k/a Demetrio Mendoza
a/k/a Luis E. Mendoza

8 for the purpose of obtaining something of value or for any other purpose, with the intent to
9 deceive, falsely represented to Credit One Bank, that social security number 042-62-xxxx was
10 the social security number assigned by the Commissioner of Social Security to him, when in fact
11 such number was not the social security number assigned by the Commissioner of Social
12 Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B).

13 COUNT THREE: (42 U.S.C. § 408(a)(7)(B) - Misuse of Social Security Number)

14 In or about November 2005 to the present, within the Northern District of California and
15 elsewhere, the defendant

16 LUIS ENRIQUE DEMETRIO MENDOZA
17 a/k/a Demetrio Mendoza
a/k/a Luis E. Mendoza

18 for the purpose of obtaining something of value or for any other purpose, with the intent to
19 deceive, falsely represented to GEMB/WalMart, that social security number 042-62-xxxx was
20 the social security account number assigned by the Commissioner of Social Security to him,

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1 when in fact such number was not the social security number assigned by the Commissioner of
2 Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B).

3
4 A True Bill

5 Dated: 7/22/08

Amigato Amigato
6 FOREPERSON

7 JOSEPH RUSSONIELLO
8 United States Attorney

9 *[Signature]*
10 BRIAN STRETCH
11 Chief, Criminal Section

12 Approved as to Form:

13 *Cynthia Stier*
14 CYNTHIA STIER
15 Assistant United States Attorney

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

42 USC § 408(a)(7)

E-filing

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

5 years imprisonment, \$250,000 fine, 3 years supervised release

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

INTERNAL REVENUE SERVICE - S/A COLLEEN ROWE

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.

08-mj-70425-HPL

Name and Office of Person

Furnishing Information on JOSEPH P. RUSSONIELLO
THIS FORM☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

CYNTHIA STIER, AUSA, TAX DIV.

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE

08 JUL 23 AM 9:11

DEFENDANT - U.S.

RICHARD W. WIEKING
CLARK, U.S. DISTRICT COURT
HENRIQUE DEMETRIO MENDOZA

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

NORTHERN DISTRICT OF CALIFORNIA

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☒ Awaiting trial on other charges } ☒ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Santa Clara County Jail

Has detainer
been filed?☒ Yes
☐ NoIf "Yes"
give date
filed

July 11, 2008

**DATE OF
ARREST**Month/Day/Year
JULY 9, 2008

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: